

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TELCO GROUP INC.,)	
)	
Plaintiff,)	8:05CV387
)	
vs.)	ORDER
)	
AMERITRADE, INC.,)	
ADVANCED CLEARING INC. and)	
AMERITRADE HOLDING CORP.,)	
)	
Defendants.)	

This matter is before the court on the plaintiff's motion, filed in letter format, for a sixty-day extension of the deadline to file a motion for class certification (Filing Nos. 29 and 31).¹ The plaintiff contends additional time is needed to complete discovery on the issues surrounding class certification. The defendants filed a response (Filing No. 30) opposing the motion. The defendants argue discovery is unnecessary for class certification and that any discovery would negate the arbitration requirement, which applies in the event class certification is denied. The plaintiff also filed a reply brief (Filing No. 32).

The parties made their positions clear in the initial planning report filed in this matter on October 18, 2005. **See** Filing No. 26. The court took such arguments into consideration at that time and declines reconsider the scheduling order or to extend the present deadlines to allow for additional discovery. However, the court will allow a two-week extension of time between the deadlines for initial disclosures and the plaintiff's motion for class certification, as set forth below. Further, the parties will have an opportunity to present evidence during the previously scheduled hearing after briefing of the motion for class certification. Upon consideration,

¹Future motions and briefing shall comply with Nebraska local rule 7.1 (NECivR).

IT IS ORDERED:

1. The plaintiff's motion for an extension of time (Filing No. 31) is granted as set forth below.

2. **By December 2, 2005**, the plaintiff will file and serve its motion and detailed statement as described in the court's October 19, 2005 order (Filing No. 28).

3. **On or before January 10, 2006**, the defendants will file and serve any objections to class certification specifying with particularity the factual and legal basis of the objections and identifying any facts in which an evidentiary dispute exists.

4. **On or before January 19, 2006**, the plaintiff may file and serve any reply to the defendants' objections.

DATED this 27th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge